

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

**CIVIL MINUTES – JURY TRIAL  
Day 1**

**Case No.: 7:21CV414**

**Date: 12/18/2023**

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**Mark Joseph Shipp**  
Plaintiff

Counsel: Thomas Strelka  
Leigh Rhoads

v.

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**David W. Bogle, et al**  
Defendants

Counsel: Andrew Page  
Anne Morris

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**PRESENT:** JUDGE: Thomas T. Cullen  
TIME IN COURT: 9:01a-10:27a,10:44a-12:30p,1:37p-2:25p,2:42p-3:19p  
3:42p-3:54p Total time 4h 49mins  
Deputy Clerk: C. Kemp  
Court Reporter: S. Bragg

**LIST OF WITNESSES**

PLAINTIFF	DEFENDANT
1. Mark Shipp 2. David Bogle 3. Kevin Punturi 4. Reyce Collins 5. Douglas Neal 6. David Hammond 7. Eric Scott 8. Mark Shipp, rebuttal	1. Daryl Craig 2. Ernest Herald

**PROCEEDINGS:**

32 jurors present and sworn on Voir Dire.  
7 jurors struck for i.e., for cause, by court, excused.  
3 jurors struck by Plaintiff.  
3 jurors struck by Defendant.  
8 member jury impaneled and sworn. Remaining jurors discharged.

- Motion to Exclude Witnesses from Courtroom granted.  
 Preliminary remarks and instructions to jury by Court.  
 Opening Statements.  
 Plaintiff begins presentation evidence.  Plaintiff rests.  
 Defendant Motion for Judgment as a Matter of Law.  
Court  denies.

- Defendant begins presentation of evidence.  Defendant rests.
- Rebuttal evidence.
- Jury released for the day at 3:18 p.m. to return 12/19/23 at 9:30 a.m.
- Defendant renews Motion for Judgment as a Matter of Law.
- Court  denies.
- Charging conference conducted; objections noted on the record.
- Adjourned. Court to resume 12/19/23 at 9:30 a.m.